

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

S. GEORGE MILTER and
LISA MARIE LOGUIDICE,

Plaintiffs,

v.

THE UNITED STATES OF
AMERICA, et al.,

Defendants.

No. 4:17-CV-00251

(Judge Brann)

ORDER

JUNE 12, 2018

1. The Motion to Dismiss filed by the United States of America and Noel Trusal, ECF No. 18, is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. Count I of Plaintiffs' Complaint, ECF No. 1, is **DISMISSED WITH PREJUDICE**;
 - b. Count II of Plaintiffs' Complaint is **DISMISSED WITHOUT PREJUDICE**;
 - c. Count III of Plaintiffs' Complaint against Noel Trusal is **DISMISSED WITH PREJUDICE**;
 - d. Count IV of Plaintiffs' Complaint is **DISMISSED WITH PREJUDICE**; and

- e. Count VIII of Plaintiffs' Complaint against the United States is
DISMISSED WITHOUT PREJUDICE;
 - f. Count VIII of Plaintiffs' Complaint against Noel Trusal and the
Unknown Medical Providers of the Federal Bureau of Prisons is
DISMISSED WITH PREJUDICE.
- 2. Plaintiffs may amend Counts II and VIII of their complaint to allege
administrative exhaustion within 30 days of the date of this Order.
 - 3. Whether or not Plaintiffs amend their complaint, Plaintiffs have 60 days
from the date of this order to conduct discovery on the issue of
administrative exhaustion **ONLY**. Within 30 days of the conclusion of
that period of **LIMITED** discovery, Defendants may renew their motion
for summary judgment regarding Count III of Plaintiffs' Complaint.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge